

## Interpersonal Violence Injunctions (DV, SV, Dating, Repeat, Stalking) Case Law

### **Florida Supreme Court**

Lopez v. Hall, \_\_\_ So. 3d \_\_\_, 2018 WL 369123 (Fla. 2018). [ATTORNEY'S FEES MAY BE AWARDED IN SEXUAL VIOLENCE, REPEAT VIOLENCE, AND DATING VIOLENCE CASES](#). A petitioner obtained a temporary injunction against repeat and dating violence, and the defendant moved for fees and sanctions, alleging that the petitioner had perjured herself in her petitions. The petitioner later voluntarily dismissed her action, and the trial court denied the defendant's motion, claiming that there was no statutory basis to award fees. The defendant appealed. The appellate court reversed, and then certified conflict with other courts of appeal. The Supreme Court approved the 1st DCA decision and held that s. 57.105, F.S., does not prohibit awarding attorney's fees in a proceeding for dating, repeat, and/or sexual violence proceeding.

<http://www.floridasupremecourt.org/decisions/2018/sc16-1921.pdf> (January 11, 2018)

### **First District Court of Appeal**

Pickett v. Copeland, \_\_\_ So. 3d \_\_\_, 2018 WL 444243 (Fla. 1st DCA 2018). [STALKING INJUNCTION REVERSED](#). The trial court entered an order of protection against stalking, and the respondent appealed, claiming that there was insufficient evidence to support the order. The appellate court agreed, noting that there was not evidence of two incidents of stalking, as the statute required, nor was there evidence of a malicious course of conduct. Therefore, the injunction was reversed.

[https://edca.1dca.org/DCADocs/2017/0293/170293\\_1287\\_01172018\\_09184917\\_i.pdf](https://edca.1dca.org/DCADocs/2017/0293/170293_1287_01172018_09184917_i.pdf) (January 17, 2018)

Speegle v. Rhoden, \_\_\_ So. 3d \_\_\_, 2018 WL 575614 (Fla. 1st DCA 2018). [TRIAL COURT NOT REQUIRED TO GRANT STAY IN CIVIL INJUNCTION CASE WHEN CRIMINAL CASE IS PENDING](#). Two cases followed a battery: the state charged the man with battery, and the victim petitioned the court for an injunction against dating violence. The trial court entered the temporary injunction in the civil case; the day before the hearing for the permanent injunction, the respondent moved to stay the proceedings until the criminal case could be concluded. He claimed that defending himself in the civil case would jeopardize his 5th amendment right against self-incrimination. He also argued the stay would not prejudice the victim, because he agreed to allow the temporary injunction to remain in place. The hearing went forward, the court denied the motion for the stay, and entered the permanent injunction. Later, the respondent pled no contest to the criminal charges and was placed on probation. He then appealed the permanent injunction, claiming the court should have granted the stay. The appellate court disagreed and affirmed the lower court, stating that the trial court had broad discretion in deciding whether or not to delay the civil injunction case.

[https://edca.1dca.org/DCADocs/2017/0596/170596\\_1284\\_01262018\\_12465272\\_i.pdf](https://edca.1dca.org/DCADocs/2017/0596/170596_1284_01262018_12465272_i.pdf) (January 26, 2018)

### **Second District Court of Appeal**

No new opinions for this reporting period.

***Third District Court of Appeal***

No new opinions for this reporting period.

***Fourth District Court of Appeal***

No new opinions for this reporting period.

***Fifth District Court of Appeal***

No new opinions for this reporting period.